

**INLAND WETLANDS & WATERCOURSES AGENCY
REGULAR MEETING
MONDAY, MARCH 3, 2014 – 7:30 P.M.
WOODSTOCK TOWN HALL – LOWER LEVEL, ROOM B**

MINUTES

Present: Chair Mark Parker, Marla Butts, Dan French, Diane Wolff, Andrew Massey, Tina Lajoie (Wetlands Clerk), Terry Bellman (Wetlands Agent), John Navarro (Highway Foreman), Norm Thibeault (Killingly Engineering), Sig Swanberg (SAS Construction).

- I. Call to Order** – Meeting was called to order by Chair Mark Parker at 7:36 p.m.
- II. Roll Call** – Diane Wolff, Andrew Massey, Mark Parker, Marla Butts, Dan French
- III. Appointment of Alternates** – None
- IV. Action on Minutes of Previous Meetings – February 10, 2014**
MOTION BY ANDREW MASSEY TO APPROVE THE MINUTES OF 02-10-2014, SECONDED BY DIANE WOLFF. Andrew Massey proposes the following amendment under V.1., 5th line down. “Mr. Massey has concerns with any filling of a functioning wetland and the associated loss of function and increased flow and pollution loads to receiving streams. Wetland filling is proposed in this project.” **MOTION CARRIED UNANIMOUSLY.**
- V. New Business**
MOTION TO MOVE ITEM V.1. DOWN ON THE AGENDA TO AFTER OLD BUSINESS BY ANDREW MASSEY, SECONDED BY MARLA BUTTS. MOTION CARRIED UNANIMOUSLY.
2. Permit applications for use of pesticides in state waters: Crabtree & Evelyn, Witches Woods Lake, Chamberlain Pond.
Applications do not reflect location of where pesticide will be used, along with description of plants being treated. A letter was sent last year to DEEP and the response was that they would take better care in their applications with these details. IWWA asks that Wetland Agent send out a letter to DEEP regarding Chamberlain Pond asking for the location of treatment and the species they are attempting to control. This was left blank on the application. There was discussion on the DEEP report that show what pesticides are used and the amounts applied. This information was sent via email, Excel spreadsheet, which contained the reporting from 2011 and maybe 2012. Lajoie will locate the information for the next meeting. It is stated for the record that these applications were reviewed and IWWA is requesting additional information from DEEP and instructed the Wetlands Agent to send out this letter of request.
- VI. Old Business**
1. #01-14-04 Town of Woodstock, Bradford Corner Road – Road reclamation by the Highway Department.
Andrew Massey gives a statement for the record:
“My purpose for the statement is to make clear that I will continue to recuse myself from the decision hearings regarding applications before this agency concerning Bradford Corner Road. Please let the record reflect that my one objective on all issues before this agency is defined in Section 1 of our Regulations that defines our purpose, authority and duty to enforce the Inland Wetlands and

Watercourses Act and to issue permits with terms, conditions, limitations or modifications for all regulated activities in the Town of Woodstock.”

Mark Parker quotes the bylaws on the subject of disqualifications and supports Mr. Massey’s decision. A February 25, 2014 letter was entered into the record from the First Selectman, Allan Walker, and also a response from the Windham Water Works approving the proposal. The letter from Mr. Walker comments on behalf of the highway department as to what has already been submitted, the cost to the town and their concern with Mr. Massey’s participation at the meeting. It was asked that the Agency consider the application as it pertains to wetlands and water quality.

Marla Butts gives her overview relating to a field viewing of the roadway that was done along with John Navarro and Tina Lajoie on Thursday, February 27. There was a good amount of snow covering so the viewing was not easy. It is noted that this application did not include the hydraulics which would be helpful in determining velocities and sizing of piping and culverts. Ms. Butts was able to see the contributing drainage area, and noted sheet flow in the road which could present a hazard. Topographic map seems to confirm the issue that the contributing drainage area to the storm drainage system is very limited. She did note a small watercourse area that came from a flat wetlands area located on the west side of Bradford Corner Road, directly across from Hereford Lane. She viewed the water running under the snow and into the yard drain or catch basin. There has been discussion about erosion in this area and exposed tree roots which was a cause for concern. There is some Cape Cod curbing being proposed. She noted sediment in the channel. Ms. Butts is suggesting removal of sediment and the widening of the ditch and then also from where it discharges into the watercourse, riprap outlet protection is being proposed but not listed on the plan. 24” ADPE is being upsized to 36”, per Mr. Navarro, and it will probably have an end wall and plunge pool. Mr. Navarro would like to get started as soon as the weather breaks with the work taking about four months. Drainage work will take about three months. There is a request that the highway department wait until June to start because of the watercourses that are flowing and doing it at the high flow of the year creates E&S control issues. Mr. Navarro states that there is work that can be done in the dryer areas prior to June. Details of the plan were discussed. There is an existing basin where the trees are located and Mr. Heckler requested this area be filled in but this detail is not on the plan. IWWA opposes as part of this town project. Mr. French talks about the necessity for the town to maintain the road and the need for balance and greater good for the benefit to the people living on the road as it relates to damage and erosion. In response, Ms. Butts recommends adding conditions regarding outlet protection, particularly at Hayden’s property and near Center Road. Typically in areas where you have concentrated flow greater than an acre, silt fencing and hay bales don’t work and stone check dams would be more effective. Last month there was discussion on whether this application rose to the level of sufficient public interest that a hearing should be held and it was decided that if there was enough public interest, a petition could be submitted or there would be public involvement indicating that there is significant interest. However it is agreed that the interest in this matter does not warrant going to a public hearing.

MOTION BY MARLA BUTTS TO APPROVE 01-14-04 WITH THE FOLLOWING CONDITIONS: 1. PRIOR TO THE INITIATION OF CONSTRUCTION WORK, THERE SHALL BE A SUBMISSION OF THE DETAILS OF THE OUTLET PROTECTION AT BOTH WATERCOURSE OUTLETS, ONE LOCATED AT THE HAYDEN PROPERTY AND THE OTHER LOCATED ON CENTER ROAD, AND DETAILS OF AN ENLARGED DITCH WITH A STONE CHECK DAM LOCATED BETWEEN STATION 7+75 TO STATION 9+50 LEFT FOR THE COMMISSION’S REVIEW AND APPROVAL. 2. WORK ON WATERCOURSES ARE TO BE DELAYED UNTIL JUNE 1, 2014. Discussion: Mr. French would like confirmation from Mr. Navarro that these conditions could be adhered to without any unreasonable burdens on

the town highway department. SECONDED BY DAN FRENCH. MOTION CARRIED.
(Andrew abstained and recused himself from acting on application).

2. 01-14-05 Shane Pollock, 167 Laurel Hill Drive (Map 7272, Block 34, Lot C11) – Construction of single family dwelling, septic system

Norm Thibeault of Killingly Engineering Associates is present. He has a revised the plan to include a larger septic tank, as requested by Ms. Butts last month. The soil scientist's signature was included on the original plan but not on the revision because Joe Theroux was not available to sign. If the Commission so wishes, he can provide a signed plan. He gives the Agency an overview of the proposal. There was a previous home on the property that was demolished and onsite septic system that consisted of a single cesspool. House was purchased originally with intent to renovate but due to structural issues and damage from about 50 cats that were residing in this house, it simply wasn't worth saving. He states that the proposed house is no closer to the lake than the original was. Septic system was approved by NDDH. They were very limited in the placement of the septic system. Total amount of disturbance is about .38 acres. Disturbance is within the regulated area but no activity is proposed within wetlands or watercourses. Existing well sits within the wetlands on an island area and has been there for many years and will be used for the new home. Agency agrees, proper E&S controls are shown, no work in wetlands, septic tank capacity was increased as requested to better support the Mantis system design.

MOTION BY DIANE WOLFF TO APPROVE APPLICATION #01-14-05, SECONDED BY ANDREW MASSEY. MOTION CARRIED UNANIMOUSLY.

VII. Election of officers (Moved from VI. 1 on agenda)

Nomination slate is as follows:

Mark Parker - Chair; Andrew Massey -Vice Chair; Marla Butts – Secretary

MOTION TO APPROVE SLATE OF OFFICERS BY DAN FRENCH, SECONDED BY DIANE WOLFF. MOTION CARRIED UNANIMOUSLY.

Review of bylaws:

- Section 9. Order of Business (Agenda needs to follow this guideline). No changes recommended. The order can be changed at each individual meeting if necessary.
- Section 10. a. Change to read: "All public hearings shall be held in accordance with the applicable statutes and the Woodstock Inland Wetlands and Watercourses Regulations, as amended."
- Section 10. b. Change to read: A hearing shall be recorded by a sound-recording device at each hearing before the Agency. Agenda, minutes and legal notices of the hearing shall be incorporated into the minute book of the Agency to be a permanent part of the record.

Changes will be made into the document and voted on at the April meeting.

VIII. Wetlands Agent Activity Report – Tina Lajoie, Acting Wetlands Agent during Mr. Bellman's absence, had no sign-offs to report in the past 30 days, only the site walk that was done with Ms. Butts and Mr. Navarro at the Bradford Corner location.

IX. Communications and Bills

1. The Voice for Connecticut's Lakes – handout
2. Stonebridge Press bill signed by Chair Mark Parker- Legal results for Jan/Feb

Mark Parker requests an Executive Session for the purpose of discussing the Selectmen's letter and their reference to by-law # 13, "Conflict of Interest and Disqualification." As explained by Lajoie, the law only allows certain reasons for Executive Sessions and this request does not meet the legal standards under FOI. It was decided to have the discussion on the record. Chair Parker states that he was surprised to get a letter from the First Selectman urging on a pending application and wondered if this was appropriate. Secondly, he believes the basis for the claim that Andrew Massey has a "direct personal interest" in the Bradford Corner application is unfounded since the fact he resides on the road does not constitute a "direct personal interest" in his opinion. There is discussion on how this might be "perceived" by the public which is how it must be evaluated by the Agency members. It is the general consensus of the Agency members that Mr. Massey could have provided input as a citizen in the audience once he was recused. Mr. Parker also has concern with the misunderstanding, as stated in this letter, with the request that the Agency only consider issues pertaining to wetlands and water quality. The Agency's charge is much greater than that, as stated in Section 1 of the IWWA Regulations which is also set forth in the CT General Statutes. It is their responsibility to recommend alternative designs that have the least amount of environmental impact. Agency members may consider updating their regulations to require hydraulics done by a CT licensed engineer if an application proposes new or modifications to the hydraulic structures, among other possible changes. Chair Parker is considering a response letter to the BOS which simply refers to the regulations and the Agency's responsibility and charge for the Town.

X. Adjournment

**MOTION TO ADJOURN BY MARLA BUTTS, SECONDED BY DIANNE WOLFF 9:49 P.M.
MOTION CARRIED UNANIMOUSLY.**

Respectfully submitted,

Tina M. Lajoie, Clerk

Inland Wetlands & Watercourses Agency